

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE: PETITION OF BELL SOUTH)
TO IMPLEMENT NEW AND) DOCKET NO. 00-00041
INCREASE EXISTING LATE)
PAYMENT CHARGES)

MOTION TO CONTINUE NUNC PRO TUNC

Comes Tennessee consumers, through the Consumer Advocate Division to respectfully submit this Motion to Continue Nunc Pro Tunc. This Motion memorializes the Motion to Continue made at the hearing by counsel for Tennessee consumers and states all reasons why the Motion was necessary.

1. On Friday afternoon, June 2, 2000, BellSouth transmitted by facsimile, its response to the Consumer Advocate Division's Objections to the Report and Recommendation of the hearing officer, the hearing on the Report and Recommendation was scheduled for the next Tuesday, June 6, 2000 at 9:00 a.m.
2. During the period in which BellSouth submitted its response, counsel for Tennessee consumers was preparing for a hearing in the multi-million dollar Nashville Gas case.
3. The Nashville Gas hearing was scheduled for a hearing the entire week of June 5, 2000 long before the scheduling of the Report and Recommendation.
4. This hearing Nashville Gas would have unknown depth and although Tennessee consumers had the participation of many experts, no direct and rebuttal testimony was submitted since

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Tennessee consumers had entered into an agreement with the Company.

5. That the possibility that the hearing would be of unknown depth and the proposed settlement would not be accepted arose from the special request of the Hearing Officer to permit Tennessee Regulatory Authority staff to ask questions of witnesses.
6. That the possibility that the hearing would be of unknown depth and the proposed settlement would not be accepted created great uncertainty arose and caused a great deal of time to be spent in preparation since Tennessee consumers had not submitted written testimony and would need preparation.
7. That lead counsel on the case also advised that a death had occurred and that he likely would not be able to attend the initial day of the Nashville Gas hearing or if he did attended that he would not be able to stay for the entire hearing.
8. That the fact that lead counsel could not stay at the entire hearing necessitated a shift in primary counsel and updating regarding various aspects of the Nashville Gas case.
9. That a brief in the late charge case was also scheduled for filing at 2:00 p.m. on the afternoon of June 5, 2000.
10. That due to the need for counsel to attend the Nashville Gas hearing on June 5, 2000 resulted in a delay in filing the brief and that counsel for Tennessee consumers called BellSouth and attempted to call the Hearing Officer several time, but that the hearing officer was not available.¹
11. That due to the Nashville Gas hearing and the inability to contact the Hearing Officer subsequently, counsel inadvertently did not present a timely Motion for Extension of time and

¹The Hearing Officer was at the Nashville Gas hearing but through inadvertence, no communication occurred which was related to a need for a continuance.

subsequently filed a Motion for a 5 business hour extension of time and filed the brief due at 2:00 p.m. within the 5 business hour time period.

12. That additionally the Consumer Advocate Division determined that a reply to BellSouth's Report and Recommendation of the hearing officer was necessary, but that counsel did not have time to file a written motion, and instead made an oral Motion for Continuance at the June 6, 2000 late payment hearing to permit time to reply to BellSouth's Response.

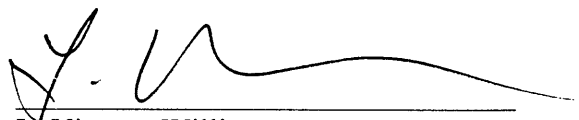
13. That the oral Motion to Continue was less than 2 business days after receipt of BellSouth's response and that counsel for Tennessee consumers meant no disrespect to the agency by seeking such an extension by oral motion.

14. That upon questioning of the parties by the agency, no harm to BellSouth would occur if a continuance was granted to file a reply brief and that counsel for Tennessee consumers agreed that a two day period of time to noon on June 8, 2000 was sufficient time to prepare and submit a response in this instance. ' .

15. That the Authority granted Tennessee consumers Motion to Continue and assigned a filing period of noon, June 8, 2000 to submit a Reply Brief.

Wherefore Tennessee consumers pray that the Tennessee Regulatory Authority accept this Motion for Continuance Nunc Pro Tunc as evidence of the oral Motion to Continue and the decision on said Motion and to enter an appropriate Order for the record.

Respectfully submitted,



L. Vincent Williams

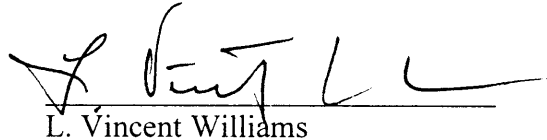
Deputy Attorney General - Consumer Advocate
Consumer Advocate Division
425 5th Avenue, North
Nashville, TN 37243
(615) 741-8723
BPR. No. 011189

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Document has been faxed and mailed postage prepaid to the parties listed below this 8th day of June, 2000.

Guy Hicks, Esq.
Patrick Turner, Esq.
BellSouth Telecommunications, Inc.
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Nashville, TN 37201-3300

David Waddell, Esq.
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505


L. Vincent Williams

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ORDER ON TENNESSEE CONSUMERS
MOTION TO CONTINUE NUNC PRO TUNC

Proposed

On June 6, 2000, Tennessee Consumers, orally moved through the Consumer Advocate Division, to Continue the hearing on the Second Report and Recommendation of the Hearing Officer. The Motion sought an opportunity to reply to a BellSouth response received by the Consumer Advocate Division less than two (2) business days before the hearing.

Upon questioning of the parties, a majority of the Directors determined that no party would be prejudiced by a continuance of two (2) business days, to 12:00 noon, June 8, 2000 for Tennessee consumers to file a reply.

A majority of the Directors, after considering the tenor of Tennessee consumers objections at the hearing further found that administrative economy would be served by referring the initial hearing on the Objections to the Second Report and Recommendation to the Hearing Officer for consideration.

IT IS THEREFORE ORDERED THAT:

1. A continuance of two business (2) days, to 12:00 noon, June 8, 2000 for Tennessee consumers to file a reply to BellSouth's response is hereby granted;

and

2. The initial hearing on the Objections to the Second Report and Recommendation is referred to the Hearing Officer for consideration.
3. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from and after the date of this Order; and
4. Any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.

Melvin J. Malone, Chairman

H. Lynn Greer, Jr., Director

Sara Kyle, Director

ATTEST:

K. David Waddell, Executive Secretary